

PATENT USSN: 10/820,108
Atty Dkt: 034044.030

REMARKS

The Office action mailed 5 January 2005, has been received and its contents carefully noted. By this amendment, claims 15-21 have been canceled, and claims 22-24 and 26-30 have been withdrawn, and claims 31-36 have been added. Support may be found in the specification and the claims as originally filed. No statutory new matter has been added. Therefore, reconsideration and entry of the claims as amended is respectfully requested.

Restriction Requirement

In the Office action mailed 5 February 2005, the Examiner required a restriction as follows:

- I. Claims 1-14 and 25 drawn to a single reactant component
- II. Claims 15-21 and 25 drawn to a device comprising the single reactant component
- III. Claims 22-24 drawn to method of making
- IV. Claims 26-28 drawn to method of assaying
- V. Claim 29 drawn to a method of identifying an unknown analyte
- VI. Claim 30 drawn to a signature pattern vector database.

The Examiner deemed that the inventions of Groups I through VI are distinct and unrelated to each other.

Applicants hereby elect to prosecute the claims of Invention I, without traverse.

Applicants have added claims 31-36. New claims 31-36 are dependent upon the claims of Invention I and therefore fall within the subject matter of Invention I and should be examined with the claims of Invention I.

Applicants have amended claim 30 such that it is a method claim that is dependent on claim 1 and have withdrawn it such that if the claims of Invention are found allowable, claim 30 as currently amended may be rejoined.

Applicants also reserve the right to pursue any canceled claims in a continuing application without prejudice or disclaimer.

PATENT USSN: 10/820,108

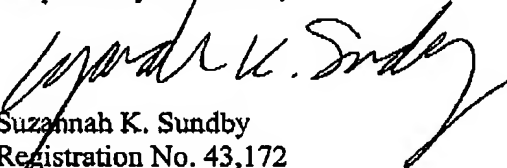
Atty Dkt: 034044.030

CONCLUSION

This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. Applicants reserve the right to file one or more divisional applications to the non-elected groups. Accordingly, reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 02-4300, Attorney Docket No. 034044.030 (2003-368-2).

Respectfully submitted,


Suzannah K. Sundby
Registration No. 43,172

Date: 7 February 2005

SMITH, GAMBRELL & RUSSELL, LLP
1850 M Street, N.W., Suite 800
Washington, D.C. 20036
Telephone: (202) 263-4332
Fax: (202) 263-4352
ssundby@sgrlaw.com

Certificate Mailing or Transmission under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop: Amendment, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

On 7 February 2005, by Suzannah K. Sundby

Signed: 